

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT _____

FILED

SEP 13 2018

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

James Hudgins

(Enter above the NAME of the
plaintiff in this action.)

v.

Astec, INC.

4101 Jerome Ave

Chatt TN 37407

(Enter above the NAME of each
defendant in this action.)

1:18-cv-211

TRM/CHS

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(42 U.S.C. Section 1983)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES () NO (✓)
- B. If your answer to A is YES, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit:

Plaintiffs: James D Hudgins

Defendants: Astec, INC.

2. COURT: (If federal court, name the district; if state court, name the county):

3. DOCKET NUMBER: _____
4. Name of Judge to whom case was assigned: _____
5. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____
6. Approximate date of filing lawsuit: _____
7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: _____

- A. Is there a prisoner grievance procedure in this institution? YES () NO (✓)
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure?
YES () NO (✓)
- C. If your answer is YES,
1. What steps did you take? _____

2. What was the result? _____

- D. If your answer to B is NO, explain why not. _____

- E. If there is no prison grievance procedure in the institution, did you complain to the prison authorities? YES () NO (✓)
- F. If your answer is YES,
1. What steps did you take? _____

2. What was the result? I Lost My Job
that i worked so hard to get.

III. PARTIES

(In item A below, please your name in the first blank and place your present address in the second blank. Do the same for any additional plaintiffs.)

- A. Name of plaintiff: James Hudgins
Present address: 903 Hemlock Drive South Pittsburg TN 373
Permanent home address: _____
Address of nearest relative: 2003 E. 5th Street Chatta. TN 37404

(In item B below, place the FULL NAME of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the additional names, positions, and places of employment of any additional defendants.)

- B. Defendant: Jimmy I do not know the rest of their names just face.
Official position: but their position is the same as mine welding
Place of employment: Astec, INC. 4101 Jerome Avenue, Chatt TN 37407 Hamilton
C. Additional defendants: My boss Donald Brown. I reported ~~it~~ about the
the Harassment again, and my boss side it was my word
against ~~the~~ Jimmys and walked off every since Mr.
brown had me to ~~go~~ go out there and point the men out
the harassment got worse and worse until

IV. STATEMENT OF CLAIM

(State here as briefly as possible the FACTS of your case. Describe how EACH defendant is involved. Include also the names of other persons involved, dates and places. DO NOT give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.)

Jimmy is one and the one that got
fired I was so upset everyday. I can't remember their name's

Just their faces. I call my mom every
night because they would wait till I come
out no matter what time. I came out they would
be outside waiting on me to come out, then
they would follow me for a while in their
cars. I just wanted them to leave me
alone.

V. RELIEF

(State BRIEFLY exactly what you want this Court to do for you. Make NO legal arguments.

Cite NO cases or statutes.)

Put more ~~Peopl~~ People of color so they could ~~not~~ never
do this to anyone else. In that unit
I do not want to go back there ever

I (We) hereby certify under penalty of perjury that the above complaint is true to the best of
my (our) information, knowledge and belief.

Signed this James Hodgins day of September 08, 20 18.

James Hodgins
Signature of plaintiff(s)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Nashville Area Office

220 Athens Way, Suite 350
Nashville, TN 37228-1397
Nashville Direct Dial: (615) 736-5863
TTY (615) 736-5870
FAX (615) 736-2107

AUG 2 - 2018

James Hudgins
903 Hemlock Dr.
South Pittsburg, TN 37380

FILED

SEP 13 2018

RE: Charge Number: 846-2018-16616
Respondent: Astec, Inc.

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Dear Mr. Hudgins:

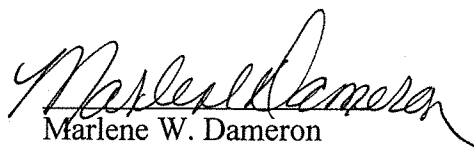
On July 31, 2018, you filed a charge with the EEOC alleging that you were discriminated against because of your race (Black) and retaliated against because you opposed your treatment, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Examination of the information obtained from you during the Intake processing of your charge did not show that you engaged in a protected activity. You acknowledged that you never complained to Respondent that you were being treated differently because of your race. You indicated that you had informed your employer that several of your co-workers were harassing and bullying you. You acknowledged that after you complained an investigation was conducted, and at least one of the alleged harassers was fired.

While we fully understand that the parties to a charge often have very firm views that the available evidence supports their respective positions, our final determinations must comport with interpretations of the available evidence and the laws we enforce.

Based on the above information, the Area Director will issue your Dismissal and Notice of Right to Sue. If you want to pursue your charge further, you will have the right to sue the employer named in your charge in U.S. District Court within 90 days from the date you receive the enclosed Notice. Please read the documents carefully. If you fail to sue within the 90 days as discussed above, your right to sue will be lost.

Sincerely,


Marlene W. Dameron
Intake Supervisor

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **James Hudgins**
903 Hemlock Drive
South Pittsburg, TN 37380

From: **Nashville Area Office**
220 Athens Way
Suite 350
Nashville, TN 37228

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2018-16616

Marlene W. Dameron,
Intake Supervisor

(615) 736-7259**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**
☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

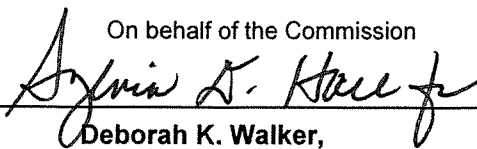
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Deborah K. Walker,
Area Office Director

AUG 2 - 2018

(Date Mailed)

Enclosures(s)

CC: **Donna Locklear**
Human Resources Director
ASTEC, INC.
4101 Jerome Avenue
Chattanooga, TN 37407

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.